



**Nova Scotia Utility and Review Board
Business Plan
2024-2025**

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A. BOARD MANDATE

The Board is an independent, court-like entity with a broad mandate set out in various acts and regulations. In matters over which the Board has jurisdiction, the Board and each member have all the powers of a commissioner appointed pursuant to the *Public Inquiries Act* and the same privileges and immunities as a judge of the Supreme Court. Our mandate can be roughly broken into two broad categories:

1. Regulatory – having to do with:
 - a. Approving requests from regulated entities such as public utilities (e.g., water, wastewater, electricity, natural gas), motor carriers, railways, the Halifax-Dartmouth Bridge Commission, payday loan companies, and automobile insurers for things such as rates, capital expenditures, operating permits, and discontinuing or abandoning service;
 - b. Setting the price for gasoline and diesel oil sold to the public; and,
 - c. Resolving complaints against utilities and motor carriers.
2. Adjudicative – having to do with:
 - a. Appeals from the decisions of others about things such as property value, fire safety, and municipal planning;
 - b. Setting the value of expropriated land when it cannot be agreed on by the parties involved; and,
 - c. Approving requests for municipalities and the Conseil scolaire acadien provincial such as changing electoral boundaries, dissolutions, amalgamations, and annexations.

The Board is created under the *Utility and Review Board Act* which also sets out some general powers such as creating rules of practice and procedure. Specific powers and duties come from other statutes and regulations. A complete list of statutes is included as Appendix A.

B. PRIORITIES

Strategic

The Board's main priority is carrying out the mandates assigned to it by the Legislature through various acts and regulations. Periodically we consult with stakeholders to find out what we can do to better deliver our services. A full consultation process was completed during 2023 resulting in a new strategic plan. The direction set out in that plan is the basis for this Business Plan.

The new plan sets out the following:

- A confirmed and slightly updated vision, mission, and values statements.
- An updated set of strategic priorities, goals, and objectives.

The strategic priorities in the new plan are:

1. Increase public understanding of the UARB and how to access its processes.
2. Heighten the efficiency and effectiveness of the UARB.
3. Maintain a healthy and positive workplace culture that strives to achieve excellence.
4. Strengthen the UARB's capacity to innovate and inform public policy.
5. Increase our knowledge and understanding of environmental, social, and governance (ESG) best practices.

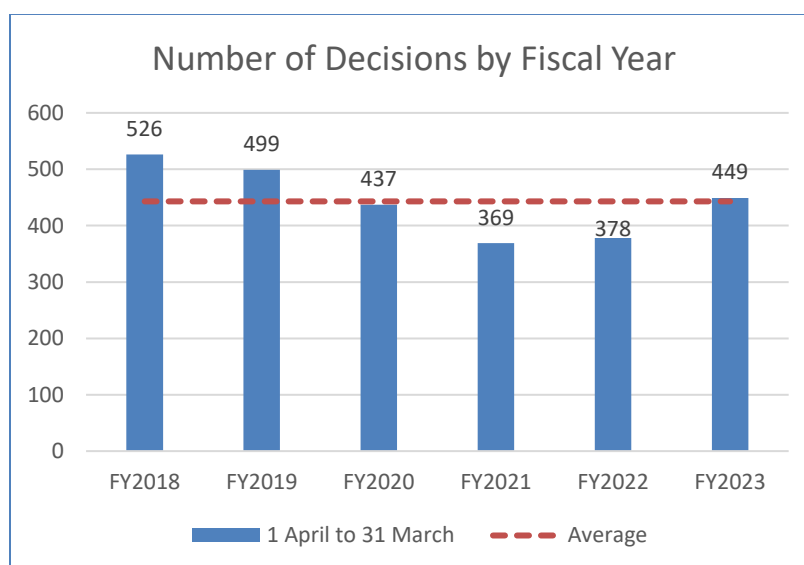
Our intent is to begin work on the goals and objectives set out in the new plan early in calendar 2024. A copy of the 2023 Strategic Plan can be found on the Board's website at: <https://nsuarb.novascotia.ca/about/plans-reports>.

Operational Sustainment

During fiscal 2023-2024 the trend towards "less paper" and more virtual or hybrid hearings continued. In September 2023 we permanently adopted electronic filing and accept documents in electronic form without the need to also provide a paper copy. Paper copies are now only to be provided on request.

We are receiving more requests for hearings in outside locations that include electronic display of documents and video appearances by witnesses and others. While the Board has had the capacity to conduct that type of hearing for some time now, its use for smaller offsite hearings in smaller communities is new. We will continue to adapt our practices, train staff, locate suitable venues, and acquire equipment to support this type of hearing.

As there have been no significant changes in mandate, we are anticipating around 400 to 500 matters requiring decisions in fiscal 2024-2025 based on historical trends. The following chart shows the number of decisions issued by fiscal year for the last six years. The fiscal years ending March 31, 2021 and 2022 had fewer matters filed than in past, presumably due to the effects of the pandemic.



Operations - Major Hearings

A number of significant applications are received in any given year. The following upcoming matters are of particular note due to their complexity, public or ratepayer impact, or the significance of Board resources and time required to resolve them:

The Board is expected to conclude proceedings begun in 2023 on Nova Scotia Power Incorporated's interconnection process as required under section 2C of the *Electricity Act*, and the utility's capital asset classes under section 30(5) of the *Public Utilities Act*.

Nova Scotia Power Inc. has appealed a penalty of \$10 million levied by the Minister of Natural Resources and Renewables for failing to meet a target of supplying customers with at least 40% or more renewable electricity for 2020 and 2022. The process has started with a hearing scheduled to begin on June 24, 2024.

Fuel auditors appointed by the Board are expected to file their report on operation of the Nova Scotia Power Inc. fuel adjustment mechanism (FAM) for the 2022 and 2023 calendar years. A hearing is anticipated in the late fall of 2024.

The Board expects to begin its three-year review of the borrowing rates for payday loans in early 2025.

On introduction of the *Clean Fuel Regulations (Canada)* in 2023 an amount was included in the pump price of gasoline and diesel oil to cover implementation costs at the wholesaler and refiner levels. This is referred to as the “clean fuel adjustor”. The Board will monitor and may change the amount of the adjustor depending on actual costs reported, or due to other regulatory direction issued by the federal government. A hearing may be required to review calculation of the adjustor itself.

Clean Electricity Solutions Task Force

In 2023 the government formed the Clean Electricity Solutions Task Force to explore ways to modernize Nova Scotia’s electricity infrastructure and regulatory environment. The mandate of the task force includes (in part):

- examining electricity infrastructure needs for reliability, capacity and storage to meet climate change goals, and
- reviewing the Nova Scotia *Utility and Review Board Act* in terms of electricity generation, transmission and rates.

The task force’s report is expected in early 2024. It is not possible to predict the impacts (if any) on the Board’s operations at this time.

Duty to Consult

In July 2017, the Supreme Court of Canada released two important decisions relating to an administrative tribunal’s jurisdiction and function with respect to Crown consultation in the context of aboriginal and treaty rights¹. These decisions clarify the Board’s role where its decisions may impact on aboriginal rights, including asserted treaty rights and aboriginal title issues. The Board may be called upon to determine whether sufficient Crown consultation has occurred. A 2019 Nova Scotia Court of Appeal decision further confirmed the Board’s legal obligation². The Board continues to monitor ongoing case law across Canada.

The Board strives to apply best practices in carrying out its obligation to ensure that adequate consultation has occurred.

¹ See: *Chippewas of Thames First Nation v. Enbridge Pipelines Inc.*, 2017 SCC 41 (CanLII); *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40 (CanLII)

² See: *Nova Scotia (Attorney General) v. Nova Scotia Utility and Review Board*, 2019 NSCA 66

C. BUDGET CONTEXT

Nova Scotia Utility & Review Board			
Program & Service Area	2023 – 2024 Estimate	2023 – 2024 Forecast ³	2024- 2025 Budget
	(\$thousands)	(\$thousands)	(\$thousands)
Gross expenses:			
Quasi-judicial - budgeted operations	6,706	6,595	6,817
Quasi-judicial - unbudgeted operations ⁴	0	1,981	0
Total expenses	6,706	8,576	6,817
Revenues:			
Grant from Province of Nova Scotia	2,221	2,221	2,230
Recoveries from utilities and others	4,485	4,513	4,587
Recoveries - unbudgeted operations ⁵	0	1,935	0
Total revenues	6,706	8,669	6,817
Net income (loss)	0	93	0
Restricted and unrestricted surplus ⁶ - beginning of year	2,498	2,498	2,591
Restricted and unrestricted surplus - end of year	2,498	2,591	2,591

³ Figures provided are forecasts. Actual results may differ materially.

⁴ Unbudgeted operations expenses arise from hearing activities that cannot reasonably be forecast in advance. Most of these expenses are recovered from the applicant or appellant, or party requesting the service.

⁵ Unbudgeted revenues arise from hearing activities that cannot reasonably be forecast in advance. These are the recoveries of the unbudgeted expenses.

⁶ Surpluses may be restricted for things such as capital assets in use, working capital requirements, and incomplete projects for which revenues have been received.

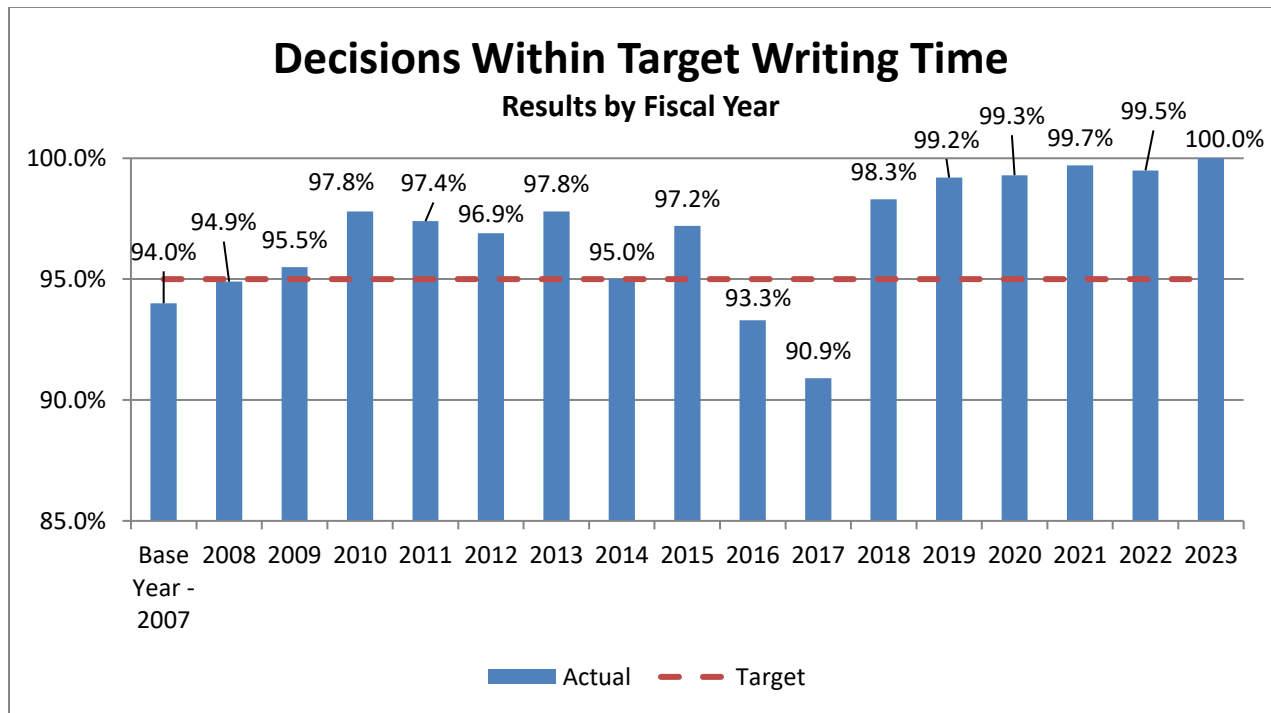
D. PERFORMANCE MEASURE

Quasi-judicial Function					
Outcome	Measure	Data Base Year	Trends	Target 2024-2025	Strategies to Achieve Target
Independently and fairly resolve matters in a timely fashion ⁷ .	Percentage of hearing decisions issued within target number ⁸ of writing days from receipt of final submissions.	Base Year 2006-07 94.0%	Trends: See chart on next page	Maintain 95% or more of decisions released within target number of writing days from receipt of final submissions.	<ul style="list-style-type: none"> - Use of electronic filing, information repository and case management programs to aid in processing. - Continue monitoring of member and staff performance through monthly Board meetings. - Periodic consultation with external parties to seek ways to improve services.

The following chart shows the Board's actual performance in meeting its target of having 95% or more of decisions released within the target writing time.

⁷ While timely production of decisions is important the primary emphasis must always be to fairly resolve matters based on the facts of each case and relevant law.

⁸ Target writing times vary by mandate and type of file. Ordinary matters have a target of 90 days. Planning matters have a statutory limit of 60 days unless extended by the Board at the conclusion of the hearing or necessary for the interests of justice. Some insurance matters have statutory limits of 10, 15, 20, or 60 days. At the Board's discretion timelines for some insurance matters can be extended. Routine procedural matters have a target of 10 working days. Note that these timelines are measured from the date of receipt of final submissions. Decisions relating to routine price settings for gasoline and diesel oil, and interruptions, are issued on the same day as the related hearing.



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Appendix A: List of Statutes Containing Board Mandate

1. Assessment Act, RSNS 1989, c.23 as amended
2. Apprenticeship and Trades Qualification Act, SNS 2003, c.1 as amended
3. Conseil scolaire acadien provincial Act, SNS 2023 c. 10⁹
4. Consumer Protection Act, RSNS 1989, c.92 as amended
5. Education (CSAP) Act, SNS 1995-96, c.1 as amended
[Loi sur l'éducation (CSAP) 1995-96, ch.1 modifié]
6. Electrical Installation & Inspection Act, RSNS1989, c. 141 as amended
7. Electricity Act, SNS 2004, c. 25 as amended
8. Electricity Efficiency and Conservation Restructuring (2014) Act, SNS 2014, c.5
9. Electricity Plan Implementation (2015) Act, SNS 2015, c.31 as amended
10. Endangered Species Act, SNS 1998, c.11 as amended
11. Energy and Mineral Resources Conservation Act, RSNS 1989, c.147 as amended
12. Expropriation Act, RSNS 1989, c.156 as amended
13. Fire Safety Act, SNS 2002, c. 6
14. Gaming Control Act, SNS 1994-95, c.4 as amended
15. Gas Distribution Act, SNS 1997, c. 4 as amended
16. Halifax-Dartmouth Bridge Commission Act, RSNS 1989, c.192 as amended
17. Halifax Regional Municipality Charter, SNS 2008, c.39 as amended
18. Halifax Regional Water Commission Act, Acts of 2007, c. 55 as amended
19. Heritage Property Act, RSNS 1989, c.199 as amended
20. Insurance Act, RSNS 1989, c. 231 as amended
21. Liquor Control Act, RSNS 1989, c. 260 as amended
22. Marine Renewable-energy Act, SNS 2015, c. 32 as amended
23. Maritime Link Act, SNS 2012, c. 9 as amended
24. Mineral Resources Act, SNS 2016, c. 3 as amended
25. Motor Carrier Act, RSNS 1989, c.292 as amended
26. Motor Vehicle Transport Act of Canada, 1987 as amended (Federal)
27. Municipal Government Act, SNS 1998, c.18 as amended
28. Nova Scotia Power Finance Corporation Act, RSNS 1989, c.351 as amended
29. Nova Scotia Power Privatization Act, SNS 1992, c.8
30. Petroleum Products Pricing Act, SNS 2005, c. 11
31. Petroleum Resources Removal Permit Act, SNS 1999, c.7 as amended
32. Pipeline Act, SNS 1980, c. 13 as amended
33. Public Utilities Act, RSNS 1989, c.380 as amended
34. Railways Act, SNS 1993, c.11 as amended
35. Revenue Act, SNS 1995-96, c.17 as amended
36. Technical Safety Act, SNS 2008, c. 10¹⁰
37. Theatres and Amusements Act, RSNS 1989, c. 466 as amended
38. Underground Hydrocarbons Storage Act, SNS 2001, c.37
39. Utility and Review Board Act, SNS 1992 as amended
40. Victims' Rights and Services Act, RSNS 1989, c.14 as amended

⁹ Conseil scolaire acadien provincial Act was not yet proclaimed in force as of the date of writing of this plan.

¹⁰ Technical Safety Act was partially proclaimed in force as of the date of writing of this plan.